

SAORSTÁT EIREANN.

CORRESPONDENCE

BETWEEN

The Government of the Irish Free State
and His Majesty's Government relating
to Article 12 of the Treaty between
Great Britain and Ireland,

FROM

19th July, 1923, to 17th June, 1924.

Presented to the Oireachtas by Order of the Executive Council.

BAILE ATHA CLIATH:

DUBLIN:

FOILLSITHE AG OIFIG AN tSOLATHAIR.
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IRISH PAPERS

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No. 1.

The Governor-General of the Irish Free State to the Secretary of State for the Colonies.

VICE REGAL LODGE,
DUBLIN,

19th July, 1923.

MY LORD DUKE,

I have the honour to refer to the terms of Article 12 of the Treaty between Great Britain and Ireland signed on 6th December, 1921, and to acquaint Your Grace that, pursuant thereto, my Ministers have nominated Dr. Eoin MacNeill, T.D., Minister for Education and a member of the Executive Council, to be the representative of the Government of the Irish Free State upon the Commission which is to determine the Boundaries between Northern Ireland and the rest of Ireland as provided therein.

2. My Ministers desire me to request Your Grace to be good enough to move His Majesty's Government to take the necessary steps on their part for constituting the said Commission.

I have, etc.,

T. M. HEALY.

No. 2.

The Secretary of State for the Colonies to the Governor-General of the Irish Free State.

DOWNING STREET,
25th July, 1923.

SIR,

I have the honour to acknowledge the receipt of Your Excellency's despatch of the 19th July,* informing me that Dr. Eoin MacNeill, T.D., has been appointed to represent the Government of the Irish Free State on the Commission to determine the Boundary between the Irish Free State and Northern Ireland in accordance with the terms of Article 12 of the Treaty, and requesting that His Majesty's Government will take the necessary steps for constituting the said Commission.

2. His Majesty's Government note that, in accordance with Article 81 of the Irish Free State Constitution, a General Election must take place before 6th December next. So soon, therefore, as this election is concluded, it is the intention of His

Majesty's Government at once to enter into communication with your Government and also with the Government of Northern Ireland upon the further steps necessary to give effect to the provisions of Article 12 of the Treaty.

3. I am communicating your despatch, together with reply, to the Government of Northern Ireland.

I have, etc.,

DEVONSHIRE.

No. 3.

The Secretary of State for the Colonies to the Governor-General of the Irish Free State.

DOWNING STREET,

22nd September, 1923.

SIR,

In my despatch of the 25th July* I acquainted Your Excellency with the intention of His Majesty's Government, so soon as the General Election in the Irish Free State should be concluded, to enter into communication with your Government and with the Government of Northern Ireland upon the further steps necessary to give effect to the provisions of Article 12 of the Treaty.

2. While His Majesty's Government are bound by the terms of the Treaty, to which statutory force was given by the Irish Free State Agreement Act, 1922, they are none the less of opinion that it would be expedient for the matters in question to be made the subject of discussion between the three Governments, with a view to seeing whether they are capable of adjustment in a manner satisfactory to all parties.

3. I have therefore to request that you will convey an invitation, on behalf of His Majesty's Government, to the President of the Executive Council, together with such of his colleagues as he may see fit to appoint, to attend a joint Conference on the subject. It would, I suggest, be convenient if the representatives from each Government should not exceed three in number, and if the meeting were held in London. If, as I trust will be the case, this invitation should prove acceptable to both Governments in Ireland, I shall endeavour to arrange the first meeting at such a date as will be most convenient to your Ministers and to the representatives of the Government of Northern Ireland.

I have, etc.,

DEVONSHIRE.

No. 4.

The Governor-General of the Irish Free State to the Secretary of State for the Colonies.

VICE REGAL LODGE, DUBLIN,

2nd October, 1923.

MY LORD DUKE,

I have the honour to acknowledge the receipt of Your Grace's despatch of the 22nd ultimo,* in which is conveyed an invitation on behalf of His Majesty's Government to the President of the Executive Council, together with such of his colleagues as he may see fit to appoint, to attend a joint Conference with representative of His Majesty's Government, and of the Government of Northern Ireland, to discuss matters arising out of Article 12 of the Treaty of December, 1921.

2. As Your Grace is probably aware, the Constitution of the Executive Council will not be complete until Mr. McNeill, who has been nominated Minister of Education, and who is at present absent at Geneva, has complied with the terms of Article 17 of the Constitution. Immediately on his return within the next few days a reply to the despatch will be forwarded.

3. My Ministers have thought it due to Your Grace that this explanation of the delay in replying should be communicated.

I have, etc.,

T. M. HEALY.

No. 5.

The Governor-General of the Irish Free State to the Secretary of State for the Colonies.

VICE REGAL LODGE, DUBLIN,

8th October, 1923.

MY LORD DUKE,

I have the honour to advert to Your Grace's despatch of the 22nd ultimo,* in which is conveyed an invitation on behalf of His Majesty's Government to the President of the Executive Council, together with such of his colleagues as he may see fit to appoint, to attend a joint conference with representatives of His Majesty's Government and the Government of Northern Ireland, to discuss matters arising out of the provisions of Article 12 of the Treaty of December, 1921.

2. My Ministers are bound equally to His Majesty's Government and to their own people to observe and abide by the terms of that instrument, and they have faithfully and scrupulously fulfilled their obligations in that respect and maintained the

* No. 3.

position created by the Treaty with the steady support of the Irish people and at the cost to them of much suffering and heavy material loss.

3. The procedure for determining the boundary between Northern Ireland and the rest of Ireland has been fixed by the Treaty and by Statute both of the United Kingdom and of the Irish Free State. It would be indeed a source of gratification to my Ministers if, at the same time, a discussion such as that suggested, would open up a prospect of remedying the present unsatisfactory position of Northern Ireland in relation to the rest of the country in a manner compatible with the fulfilment of their trust to their people, and fair and reasonable to the parties concerned, the more so as such a result would remove a cause of contention tending to impair the future amicable relations between Great Britain and Ireland.

4. In this spirit, and with this desire, my Ministers are prepared to confer as suggested, and they accept the invitation of His Majesty's Government in the hope that a basis may be found for the harmonious co-operation of the whole Irish people for their common weal.

5. They will accordingly be glad to learn at Your Grace's early convenience the date suggested for the meeting.

I have, etc.,

T. M. HEALY.

NOTE.—Following this despatch, negotiations took place between the Governments with a view to fixing a suitable date for the Conference, but it was found that, owing to the sittings of the Imperial Conference, it would not be possible for the Duke of Devonshire to afford sufficient time for the meetings of the Conference while the Imperial Conference was in session.

The delay thus occasioned was further extended by the dissolution of the British Parliament and the subsequent General Election in Great Britain and Northern Ireland.

The results of this Election indicated a possible change of Government, and accordingly it was not found practicable to proceed with the Conference until the present British Government had assumed office.

No. 6.

The Secretary of State for the Colonies to the Governor-General of the Irish Free State.

DOWNING STREET,
24th January, 1924.

SIR,

I have the honour to inform you that, upon entering office, one of the first matters brought to my attention has been the invitation extended by my predecessor on behalf of His Majesty's Government in his despatch* of the 22nd September last, to

* No. 3.

your Ministers and to the Government of Northern Ireland to attend a conference with members of His Majesty's Government in London for the purpose of discussing the questions arising out of the provisions of Article 12 of the Articles of Agreement for a Treaty between Great Britain and Ireland.

2. Your Ministers and the Government of Northern Ireland accepted that invitation, but circumstances arising in this country necessitated a postponement of the proposed Conference.

3. The views of His Majesty's Government in this matter do not differ from those of their predecessors as expressed in the despatch to which I have already referred; and it appears to me and to my colleagues desirable that the Conference already arranged should now take place at the earliest possible moment, and in any case before the meeting of the Imperial Parliament.

4. The date most convenient to the Prime Minister, the Secretary of State for Home Affairs, and myself is Friday next, 1st February, and I am to enquire whether that date will be convenient to your Ministers for the first meeting of the Conference at No. 10, Downing Street.

I have, etc.,

J. H. THOMAS.

No. 7.

The Governor-General of the Irish Free State to the Secretary of State for the Colonies.

VICE REGAL LODGE,

DUBLIN,

29th January, 1924.

SIR,

I have the honour to acknowledge receipt of your despatch of the 24th instant,* relative to the Conference with representatives of His Majesty's Government and of the Government of Northern Ireland proposed in the Duke of Devonshire's communication of the 22nd September last,† acceptance of which by my Ministers was signified in my Despatch of the 8th October.‡

2. The date suggested for the first meeting of the Conference, viz., Friday, 1st February, will be convenient to my Ministers, and President Cosgrave, accompanied by the Minister for Home Affairs and the Attorney-General, will attend at No. 10 Downing Street on that date.

I have, etc.,

T. M. HEALY.

NOTE.—The Conference met as arranged on the 1st February, and adjourned on the 2nd February for a period not exceeding 28 days.

* No. 6, † No. 3. ‡ No. 5.

No. 8.

The Governor-General of the Irish Free State to the Secretary of State for the Colonies.

VICE REGAL LODGE,
DUBLIN,

16th February, 1924.

SIR,

I have the honour to refer to the Conference held in London on the 1st and 2nd instant between representatives of His Majesty's Government and the Governments of the Irish Free State and Northern Ireland, and to state that I have been requested by my Ministers to acquaint you of their desire that the Conference should be resumed, if possible, within the coming week.

I have, etc.,

T. M. HEALY.

No. 9.

The Secretary of State for the Colonies to the Governor-General of the Irish Free State.

DOWNING STREET,

4th March, 1924.

SIR,

I have the honour to acknowledge Your Excellency's despatch of the 16th of February,* and to acquaint you that immediately upon receipt thereof His Majesty's Government entered into communication with the Government of Northern Ireland with a view to an early renewal of the Conference.

2. I am sorry to inform you that His Majesty's Government have now learned that the illness of the Prime Minister of Northern Ireland is of such a nature as almost certainly to preclude his early attendance at a further meeting of the Conference.

3. In these circumstances His Majesty's Government have addressed to the Governor of Northern Ireland a despatch, of which I enclose a copy herewith for the confidential information of your Ministers. I will immediately inform you of the reply received to this despatch.

I have, etc.,

J. H. THOMAS.

Enclosure to No. 9.

*The Secretary of State for the Home Department to the
Governor of Northern Ireland.*

WHITEHALL,
4th March, 1924.

MY LORD DUKE,

You will be aware that at the Conference on the subject of Article 12 of the Treaty which was held on the 1st and 2nd February last, it was agreed to adjourn to a date within one month of the date of adjournment.

On the 16th of February last, His Majesty's Government received from the Government of the Irish Free State a despatch* asking that the adjourned meeting of the Conference should be held at an early date, and in reply the Secretary of State for the Colonies informed the President of the Executive Council unofficially that he had learned with regret that the state of Sir James Craig's health would be likely to prevent him from attending the adjourned Conference for some time to come.

The President of the Executive Council of the Irish Free State has now replied to the Secretary of State for the Colonies expressing his deep regret at learning that Sir James Craig's illness was of a serious nature, but stating that, owing to the very long delay which has already taken place in this matter, he feared that he could not do otherwise than ask for an early renewal of the Conference.

I have, therefore, to enquire whether it would suit the convenience of your Ministers if the Conference were to meet in London at 11 a.m. on Friday, the 14th March.

I have, etc.,

ARTHUR HENDERSON.

No. 10.

*The Secretary of State for the Colonies to the Governor-General
of the Irish Free State.*

Telegram.

Sent 6.17 p.m., 11th March, 1924.

A reply has now been received to the despatch of the 4th March* to the Governor of Northern Ireland with reference to the Boundary Conference. The following are the material passages of the Duke of Abercorn's letter:—

"I received a communication from my Cabinet informing me that the Northern Government request that the next meeting of the Conference should be postponed until the 24th of April next, in view of the illness of the Right Hon. Sir James Craig, Bt., Prime Minister of Northern Ireland.

“ The following is an extract of a letter from the Secretary to the Cabinet of Northern Ireland notifying my Private Secretary, for my information, of the decision come to at the Cabinet Meeting :—

“ ‘ The Cabinet have to inform you that the Prime Minister, acting on medical advice that he should take a complete rest free from all work and anxiety, is leaving for the Mediterranean on the 15th instant, returning to England in the middle of April.

“ ‘ I am to point out that the questions being dealt with at the Conference have been awaiting a decision for over two years, and that it is not unreasonable in the circumstances to ask for a further delay of a few weeks. It is felt that the matters with which the Conference is dealing are of such importance that it is essential that the Prime Minister of Northern Ireland should himself take part in the decision to be arrived at, and that his absence from the Conference would not only be liable to grave misconstruction in Northern Ireland but might possibly prejudice the successful enactment of any decisions which might be come to.

“ ‘ In these circumstances this Government ask to be excused nominating any representative to attend the Conference until the return of the Prime Minister of Northern Ireland, but they will be glad to continue the meetings as soon as possible after he comes back from the Mediterranean.

“ ‘ I am to suggest, therefore, that the 24th April, which would only entail postponement of five weeks, would be a convenient date for the next meeting.’

“ The Government of Northern Ireland, therefore, request me to respectfully suggest to His Majesty’s Government that the Conference should reassemble on or about the 24th of April, 1924.”

I should be glad to know whether, under these circumstances, your Ministers can see their way to agree with the proposal of the Government of Northern Ireland.

No. 11.

The Governor-General of the Irish Free State to the Secretary of State for the Colonies.

VICE REGAL LODGE,

DUBLIN,

15th March, 1924.

SIR,

I have the honour to acknowledge the receipt of your telegram of the 11th instant* transmitting extracts from a despatch re-

* No 10.

ceived by you from the Governor of Northern Ireland, containing a proposal that the next Meeting of the Conference on the Boundary Question should be postponed until the 24th April next, in view of the illness of the Premier of Northern Ireland.

2. My Ministers regret to learn that the condition of Sir James Craig's health continues to be a cause of uneasiness, and that he is obliged on medical advice to abstain for the present from all work and anxiety, but they trust that the measures prescribed by his medical advisers will speedily restore him to health.

3. It is now suggested that the Conference be further postponed, and in this connection the statement is made in the letter from the Secretary to the Cabinet of Northern Ireland "that the questions being dealt with at the Conference have been awaiting a decision for over two years and that it is not unreasonable in the circumstances to ask for a further delay of a few weeks." My Ministers, however, desire me to point out that the provisions of Article 12 of the Treaty did not become operative until after the 6th December, 1922. My Government had its energies engaged from that date in setting up the machinery of Government and creating the various Departments of State, as well as in suppressing disorder and armed violence which showed themselves during the transition period.

4. As soon as my Ministers felt that they had set the machinery of Government on a secure and ordered basis they appointed their representative on the Boundary Commission, viz., Dr. Eoin MacNeill, T.D., Minister for Education, and the appointment was notified to your predecessor in my despatch of the 19th July last.† At the same time a request was made that the necessary steps should be taken by His Majesty's Government to complete the constitution of the Commission.

5. The delay which has since intervened has been agreed to by my Ministers at the request of His Majesty's Government in the hope that a settlement would be arrived at which would bring about not merely a formal unity but a cordial and harmonious reunion of the people of Ireland. With this object in view they agreed to participate in the Conference in London on the 2nd ultimo, which was summoned to consider the problems arising out of Article 12 of the Treaty.

6. These problems have been rendered more acute by events which have occurred in Northern Ireland during the period which has elapsed since Article 12 of the Treaty became operative. Administrative changes have taken place, the result of which will be, after the Northern Local Government Elections of May next, practically to disfranchise the Nationalist population in large areas adjacent to the Boundary, and further similar measures are foreshadowed in the Speech from the Throne at the opening of the Northern Parliament on the 11th instant.

† No. 1.

7. In the circumstances my Ministers feel that the effect of further postponement would be to deprive of the benefits of the Treaty those persons whose interests Clause 12, without which the Treaty would never have been accepted, was specially designed to protect, and they ask, therefore, that His Majesty's Government will take the necessary steps to complete the constitution of the Boundary Commission without further delay.

8. My Ministers wish me to make it clear that this request is not to be regarded as closing the door to further amicable discussion between the Governments concerned. They have at all times shown themselves, and will continue to show themselves, even during the sittings of the Boundary Commission, willing to give the most careful consideration to any representation from His Majesty's Government or the Government of Northern Ireland which would appear to offer any hope of a genuine settlement on the basis of the reunion of Ireland.

9. In this spirit they considered the proposals made by the Secretary of State for the Colonies at the Conference held in London on the 2nd ultimo, and they desire me to enclose, for the information of His Majesty's Government, a copy of a statement* which they had prepared for presentation to the Conference on its reassembly.

I have, etc.,

T. M. HEALY.

No. 12.

*The Secretary of State for the Colonies to the Governor-General
of the Irish Free State.*

DOWNING STREET,

1st April, 1924.

SIR,

In view of President Cosgrave's recent serious indisposition I have waited to reply to Your Excellency's despatch of the 15th March† until he was able to resume his duties. I need scarcely add that I am deeply rejoiced to hear that his health is now completely restored.

2. In regard to the request contained in paragraph 7 of the despatch under reply, for the appointment of the Boundary Commission, I need hardly repeat what I stated in a public speech on the 28th February, that His Majesty's Government hold themselves bound by the letter as well as by the spirit of the Treaty, and by Article 12 no less than by its other provisions.

3. I note from paragraph 8 of your despatch that your Ministers express their readiness to resume the discussions with the

* Not printed. † No. 11.

Government of Northern Ireland, a decision which I cordially welcome. I am satisfied, however, that the appointment of the Boundary Commission in the meanwhile would seriously prejudice the value of our discussions, and as Sir James Craig is due to return in about three weeks, I would most earnestly request your Ministers not to ask His Majesty's Government to call upon the Government of Northern Ireland to appoint their Commissioner until the representatives of the two Governments have had time to resume their conversations. Had the Conference not been postponed by the serious illness of Sir James Craig, the indisposition of President Cosgrave would, I fear, have made some further delay inevitable. I need scarcely assure your Ministers that in that event His Majesty's Government would have urged the Government of Northern Ireland to agree to a postponement with the same earnestness that I have ventured to use in making this request to your Ministers.

I have, etc.,

J. H. THOMAS.

No. 13.

The Governor-General of the Irish Free State to the Secretary of State for the Colonies.

VICE REGAL LODGE,

DUBLIN,

7th April, 1924.

SIR,

I have the honour to refer to your despatch of the 1st instant* and to state that my Ministers have given careful consideration to your earnest request that they should not "ask His Majesty's Government to call upon the Government of Northern Ireland to appoint their Commissioner until the representatives of the two Governments have had time to resume their conversations."

2. With regard to the suggestion in paragraph 3 of your despatch, my Ministers desire me to say that this important matter has in their opinion now become so pressingly urgent that they could not take the responsibility of permitting the indisposition of any of their representatives to cause any further delay. Had the President or any other member been unable to attend the Conference in person, his place would have been taken by a representative appointed for that purpose.

3. While my Ministers are anxious to consult the convenience both of His Majesty's Government and of the Government of Northern Ireland, they cannot, for the reasons stated in my despatch of the 15th ultimo,† agree to the continued postponement of the settlement of this problem, and they consider that

* No. 12. † No. 11.

the personnel of the Boundary Commission should be completed not later than the 1st May next.

4. In the meantime, however, since Sir James Craig is due to return from his voyage on the 24th instant, they would be prepared, in the spirit referred to in paragraph 8 of my despatch mentioned above, to send representatives to confer with representatives of His Majesty's Government and of the Government of Northern Ireland on the following day, provided that they are assured, on behalf of His Majesty's Government, that if the resumed Conference does not result in, or give promise of, a more satisfactory solution of the Boundary Question than that provided for in Article 12 of the Treaty, steps will be taken by His Majesty's Government to complete the constitution of the Boundary Commission not later than the 1st proximo.

I have, etc.,

T. M. HEALY.

No. 14.

*The Secretary of State for the Colonies to the Governor-General
of the Irish Free State.*

DOWNING STREET,

10th April, 1924.

SIR,

With reference to Your Excellency's despatch of the 7th April,* I am glad to note that Your Ministers are prepared, subject to the assurance asked for in paragraph 4, to resume the discussion on the Boundary Question with the representatives of the Government of Northern Ireland as soon as possible after the return of Sir James Craig on the 24th April.

2. Immediately upon receipt of your despatch I communicated with the High Commissioner of the Irish Free State suggesting that the meeting should take place on the first day after Easter week, that is to say, Monday, the 28th April.

3. His Majesty's Government are communicating with the Governor of Northern Ireland asking that their representatives should be ready to attend a Conference on that date, if it is agreeable to your Ministers.

4. His Majesty's Government trusts that all the Ministers concerned will be prepared to devote the whole week, if necessary, to the work of the Conference.

5. With reference to the assurance asked for in paragraph 4 of His Excellency's despatch, His Majesty's Government are prepared on any day upon which your Ministers may intimate that in their view the conference has finally failed to exercise all the powers vested in them by Article 12 of the Treaty to constitute the Boundary Commission.

I have, etc.,

J. H. THOMAS.

* No. 13.

No. 15.

*The Secretary of State for the Colonies to the Governor-General
of the Irish Free State.*

DOWNING STREET,
11th April, 1924.

SIR,

I have the honour to refer to my despatch of yesterday's date* on the subject of the resumption of the Conference on the Boundary between representatives of your Government, of the Government of Northern Ireland, and of His Majesty's Government, and to say that I have to-day learned that Sir James Craig has already returned from abroad. I was unaware of this fact when I suggested the Conference should meet on the 28th April instead of on the 25th, as suggested by you.

2. In these circumstances, after consultation with the High Commissioner, I would suggest for the consideration of your Ministers that the most convenient date for the meeting of the Conference will be Thursday, the 24th April, and I shall be glad to learn at your early convenience whether this date will suit your Ministers.

3. His Majesty's Government is addressing a communication to the Government of Northern Ireland expressing the hope that the 24th inst. will also be convenient to them.

I have, etc.,
J. H. THOMAS.

No. 16.

*The Governor-General of the Irish Free State to the Secretary
of State for the Colonies.*

VICE REGAL LODGE,
DUBLIN,
12th April, 1924.

SIR,

I have the honour to acknowledge the receipt of your despatch of the 11th inst.† suggesting that, in view of the fact that Sir James Craig has already returned from abroad, the Conference on the Boundary question between representatives of my Government, of the Government of Northern Ireland, and of His Majesty's Government, should be resumed on the 24th inst., instead of on the 28th inst., as suggested in your previous despatch.‡

2. My Ministers agree to this proposal, and the President of the Executive Council, the Vice-President and the Attorney-General will arrange to be in London on the 24th inst. for the resumption of the Conference on that date.

I have, etc.,
T. M. HEALY.

No. 17.

*The Secretary of State for the Colonies to the Governor-General
of the Irish Free State.*

DOWNING STREET,
17th April, 1924.

SIR,

With reference to the correspondence terminating with Your Excellency's despatch of the 12th April,* I have the honour to state, for your Ministers' information, that I have arranged for the Conference on the subject of Article 12 of the Articles of Agreement for a Treaty to meet at the Colonial Office, Downing Street, at 11 a.m., on Thursday, the 24th April.

I trust that this hour for the opening of the Conference will suit the convenience of your Ministers.

I have, etc.,

J. H. THOMAS.

NOTE.—The resumed Conference met on the 24th April, and on its termination the following statement was issued :—

“ The meeting of the representatives of the Irish Free State and Northern Ireland, which had been adjourned from the 2nd February, was resumed this morning at the Colonial Office, under the presidency of the Colonial Secretary, Mr. J. H. Thomas. There was also present the Home Secretary, Mr. Arthur Henderson.

“ President Cosgrave and Messrs. Kevin O'Higgins, and H. Kennedy, K.C., Attorney-General, represented the Free State, and the Prime Minister of Northern Ireland, Sir James Craig, the Marquis of Londonderry, and the Attorney-General, the Right Honourable Richard Best, represented the Government of Northern Ireland.

“ After a prolonged discussion it was not found possible to reach an agreement.”

No. 18.

*The Governor-General of the Irish Free State to the Secretary
of State for the Colonies.*

VICE REGAL LODGE,
DUBLIN,

26th April, 1924.

SIR,

I have the honour to refer to previous correspondence on the subject of Article 12 of the Treaty, and in particular to your

* No. 16.

despatch of the 10th inst.,* with special reference to paragraph 5 thereof.

2. The Conference mentioned in the despatches, which was attended by my Ministers on the invitation of His Majesty's Government, has terminated its sittings without arriving at any agreement.

3. My Ministers, therefore, request that His Majesty's Government will take immediate steps for the completion of the constitution of the Boundary Commission.

I have, etc.,

T. M. HEALY.

No. 19.

*The Secretary of State for the Colonies to the Governor-General
of the Irish Free State.*

DOWNING STREET,
28th April, 1924.

SIR,

I have the honour to acknowledge the receipt of Your Excellency's despatch of the 26th April,† and to state, for the information of Your Ministers, that His Majesty's Government have taken note of their request.

2. Immediate steps are being taken by His Majesty's Government to select a suitable person for appointment as Chairman of the Commission provided for in Article 12 of the Articles of Agreement for a Treaty, and the Government of Northern Ireland are being formally requested to appoint their representative on the said Commission.

I have, etc.,

J. H. THOMAS.

No. 20.

*The Secretary of State for the Colonies to the Governor-General
of the Irish Free State.*

DOWNING STREET,
23rd May, 1924.

SIR,

With reference to my despatch of the 28th April,‡ I have now the honour to enclose, for the information of Your Excellency's Ministers, a copy of a despatch of the 29th April from the Secretary of State for Home Affairs to the Governor of Northern Ireland, together with the Duke of Abercorn's reply of the 10th May.

* No. 14.

† No. 18.

‡ No. 19.

2. As stated by the late Prime Minister in the House of Commons on the 2nd August, 1923, statutory force having been given to the Treaty, His Majesty's Government are bound by its terms. In my despatch to you of the 10th of April,† I intimated to you that His Majesty's present advisers share that view, and are therefore prepared to exercise all powers vested in them to constitute the Boundary Commission. The Treaty, by reason of the statutory force with which it was invested by Act of the Imperial Parliament in which Northern Ireland is represented, is, in the view of His Majesty's Government, binding on the Government of Northern Ireland. In view, however, of the attitude adopted by His Grace's Ministers in the despatch herewith, it is essential for His Majesty's Government to ascertain how far they possess, under the existing law, the powers necessary to ensure the legal constitution of the Boundary Commission.

3. A method of setting these matters at rest is provided by section 4 of the Judicial Committee Act, 1833, which gives power to His Majesty to refer to the Judicial Committee of the Privy Council any such matters whatsoever as he shall think fit, and under which the Committee are directed to consider the matters so referred and advise His Majesty accordingly.

4. His Majesty's Government have therefore decided that a special reference should be made to the Judicial Committee under the Act of 1833 and that the Committee should be asked to report upon the following questions :—

- (1) Whether, in the absence of a Commissioner appointed by the Government of Northern Ireland, a Commission within the meaning of Article 12 of the Treaty will have been constituted, or can be competent to determine the boundary under that Article :
- (2) Whether, if the answer to the first question is in the negative, it is competent for the Crown, acting on the advice of Ministers of the United Kingdom, to instruct the Governor of Northern Ireland, in default of advice from His Ministers, to make an appointment, and for the Governor of Northern Ireland to act upon that instruction ; and whether, if the Governor of Northern Ireland makes an appointment in pursuance of that instruction, the Commission will be duly constituted :
- (3) Whether, if the answer to the preceding questions is in the negative, it is competent for the Crown, acting on the advice of Ministers of the United Kingdom, to make the appointment, and whether, if the Crown so appoints, the Commission will be duly constituted :
- (4) If the answer to all the preceding questions is in the

negative, whether there is any constitutional method of bringing the Commission into existence so long as the Ministers of Northern Ireland maintain their refusal.

I have, etc.,

(Sgd.) J. H. THOMAS.

Governor-General,
His Excellency
T. M. Healy, K.C.,
&c., &c., &c.

Enclosure No. 1 to No. 20.

WHITEHALL,

29th April, 1924.

MY LORD DUKE,

The recent Conference for the discussion of questions arising out of the provisions of Article 12 of the Articles of Agreement for a Treaty between Great Britain and Ireland having terminated without any agreement being reached, the Government of the Irish Free State has requested that His Majesty's Government will take immediate steps for the completion of the constitution of the Boundary Commission.

Steps are being taken to select a suitable person for appointment as Chairman of the Commission, and I have the honour to convey to you the request of His Majesty's Government that you will now take the necessary steps with a view to the selection of the member of the Commission to be appointed in accordance with the provisions of Article 12 by the Government of Northern Ireland.

I have, etc.,

(Sgd.) ARTHUR HENDERSON.

Copy]

Enclosure No. 2 to No. 20.

BELFAST,

10th May, 1924.

SIR,

With further reference to your despatch dated the 29th of April, 1924, requesting that I should take the necessary steps with a view to the selection of the Member of the Commission to be appointed in accordance with the provisions of Article 12 of the Articles of Agreement of the 6th December, 1921, I have now the honour to inform you that having consulted my Ministers I am advised by them to reply that the Government of

Northern Ireland respectfully declines to appoint a representative upon the Boundary Commission, and in arriving at this decision emphasises the fact that it conforms in every respect with the attitude which the Government has consistently maintained since the question was first raised.

I have the honour, etc.,

(Sgd.) ABERCORN,
Governor of Northern Ireland.

The Right Honourable
Arthur Henderson, M.P.,
Secretary of State for the Home Department,
Home Office,
London.

No. 21.

The Prime Minister to the President of the Executive Council.

10, DOWNING STREET,
WHITEHALL, S.W.1,
27th May, 1924.

DEAR MR. PRESIDENT,

After reading your statement in the Press this morning I feel, what I think nearly everyone in both countries will feel, that the time has come when you and Sir James Craig should meet to consider together how matters could be carried forward upon the lines which you both have adumbrated.

May I take this opportunity of saying that, as in our view the Chairman of the Commission should be someone not connected with any of the three Governments concerned, we are sparing no pains to find a qualified person from one of the self-governing Dominions willing not only to accept the appointment, but also to leave for this country at once. There shall, I promise, be no avoidable delay.

"I welcome every word of goodwill. Still more I welcome actions that will bear out good words." This, I take it, was intended as your reply to Sir James Craig's plea "Let us Irishmen in Ireland settle the matter between ourselves, even if it involves the sacrifice of our political careers."

Words such as these from the Heads of the two Governments in Ireland encourage me to believe that the time which must intervene before the Chairman reaches these shores might be profitably employed by them in rendering all but the formal side of his work unnecessary.

From Wednesday, the 4th June, till after the Whitsuntide recess, I am committed to be elsewhere than in London. I write, therefore, to suggest that we should all three meet before that date. We can settle the hour and day by telegraph as soon as I learn that this proposal is agreeable to you both. The proposed meeting would, of course, be quite informal and without prejudice.

I am writing in similar terms to Sir James Craig.

Yours very sincerely,

(Signed.) J. RAMSAY MACDONALD.

President Cosgrave.

No. 22.

The President of the Executive Council to the Prime Minister.

28th May, 1924.

The Right Hon. Ramsay Macdonald,
10, Downing Street,
Whitehall,
London.

DEAR MR. PRIME MINISTER,

As I intimated by telegram to-day I am willing to meet you and Sir James Craig immediately. I need hardly repeat what I said in the interview to which you refer, that if our meeting is to be fruitful there should be agreement in the first instance to have the Commission constituted without delay. So long as the Commission is not in being, I fear it cannot be expected that other discussions will bring us any nearer to a settlement. On the other hand, if after the Commission has been constituted we come to an agreement, or nearly so, the work of the Commission will be reduced to a minimum and the agreement or the settlement of the outstanding variance, through the action of the Commission, will have binding force forthwith, and nothing will remain but for the respective Governments to implement the Commission's decision as the Treaty requires.

We have a very heavy legislative programme on hands, besides more than normal administrative business, and you will understand that absence from Dublin is very difficult for me at this time.

Sincerely yours,

(Sgd.) L. T. MAC COSGAIR.

No. 23.

*The Prime Minister to the President of the Executive Council.*10, DOWNING STREET,
WHITEHALL, S.W.1,

DEAR MR. PRESIDENT,

2nd June, 1924.

In the course of our conversation with Sir James Craig at Chequers on Saturday, the 31st May, I pointed out that His Majesty's Government, being bound to exercise all their powers under Article 12 of the Treaty with a view to constituting the Boundary Commission, were taking steps under Section 4 of the Judicial Committee Act, 1833, to ascertain the exact extent of those powers. In view of the constitutional importance of the questions to be referred to the Judicial Committee, it is proposed to include in the Tribunal eminent Judges from the Dominions. The Government of the Commonwealth of Australia have, at the request of the Lord Chancellor, arranged for the Chief Justice of Australia to come to England for that purpose. We hope that a Canadian Judge will also be available. Every effort is being made by His Majesty's Government to secure within the next few weeks the services of a Chairman qualified to preside over the Boundary Commission. As the Chief Justice of Australia cannot reach London until July, some time must necessarily elapse before further formal steps can be taken. I am sure that the interval could profitably be employed, with the assistance of the proposed Chairman, in examining the general aspects of the problem and in seeing how far the desire for an agreed settlement expressed in your recent public utterances can in practice be fulfilled.

I intend, therefore, that the services of the person designated as Chairman should be available for this purpose. If, as I earnestly hope, progress can be made on these lines, the difficulties by which we are all at present confronted may well be brought within the compass of an amicable settlement.

Yours very sincerely,

(Signed.) J. RAMSAY MACDONALD.

President Cosgrave.

No. 24.

The Governor-General of the Irish Free State to the Secretary of State for the Colonies.

SIR,

3rd June, 1924.

I have the honour to inform you that my Ministers note from your despatch of the 23rd ultimo* that the Government of Northern Ireland have declined to nominate a representative upon the Boundary Commission, and that arising out of the position thus created His Majesty's Government have requested

* No. 20.

the Judicial Committee of the Privy Council to advise them regarding the arrangements to be made by them in fulfilment of their obligations under Article 12 of the Treaty.

2. My Ministers deem it essential to make clear that, while they realise that His Majesty's Government are, no doubt, entitled to take advantage of the very high legal opinion available to them my Ministers cannot be regarded as being parties to the reference to the Judicial Committee or as being in any way committed to the acceptance of the opinions which may be obtained. They are gravely concerned, however, with the prospect of a further delay in the operation of the Boundary Commission, which the seeking by His Majesty's Government of advice from the Judicial Committee appears to render possible and indeed most likely. They understood from the fifth paragraph of your despatch of the 10th April* that His Majesty's Government had already considered the steps to be taken to complete the Commission, and they much regret that the contingency of a refusal by the Northern Government to appoint their representative, a course which Sir James Craig's public utterances indicated as likely, was not apparently among the matters so considered.

3. My Ministers feel that, in view of the extended time over which correspondence and Conference on this subject have now ranged, no further time should be lost in completing the work of the Commission, and they accordingly propose to His Majesty's Government that certain preliminaries should be put in hand forthwith. The requirement of the Treaty that the Boundary should be determined in accordance with the wishes of the inhabitants, subject to the other considerations therein mentioned, renders it necessary that the wishes of the inhabitants should first be ascertained, and there is no reason why this matter should not be undertaken forthwith by the Chairman of the Commission immediately on his appointment in conjunction with the representative of the Irish Free State (Dr. Eoin McNeill). It merely involves the organisation of the requisite machinery and the collection of statistical information and raises no question of policy.

4. My Ministers would accordingly request His Majesty's Government to proceed with the immediate appointment of the Chairman of the Commission, so that this work may be begun without delay.

I have the honour to be,

Sir,

Your most obedient humble Servant,

T. M. HEALY.

The Right Honourable

The Secretary of State for the Colonies,

Downing Street,

London, S.W.1.

No. 25.

*The Secretary of State for the Colonies to the Governor-General
of the Irish Free State.*

DOWNING STREET,

4th June, 1924.

SIR,

I have the honour to acknowledge the receipt of Your Excellency's despatch* of the 3rd June on the subject of the Boundary Commission and to request you to inform your Ministers that His Majesty's Government hope to reply in the course of a few days to the considerations advanced therein.

2. In the meantime I have to transmit to you, for your Ministers' information, the verbatim transcript of a statement made by the Prime Minister in the House of Commons to-day.

I have the honour to be,

Sir,

Your most obedient humble servant,

(Signed) J. H. THOMAS.

Governor-General

His Excellency

T. M. Healy, Esq., K.C.,

&c., &c., &c.

Enclosure to No. 25.

Wednesday, 4th June, 1924.

BY PRIVATE NOTICE.

Mr. NEVILLE CHAMBERLAIN.—To ask the Prime Minister whether he is in a position to make any statement as to the progress of the Irish negotiations.

(Answered by the Prime Minister).

I think the House may wish to know without delay what steps the Government have taken in connection with the Irish Boundary question. Our relations with Ireland are now governed by the Treaty, ratified with the approval of all recognised parties after a general election, during which the matter was specifically submitted to the electorate. The Irish question has thus been placed outside the ambit of party controversy so far as this country is concerned. The task of the present Government is greatly facilitated by the fact that it has merely to give effect to

* No. 24.

the policy outlined by our predecessors, with which we are in perfect agreement. To us, as to them, the Treaty embodies a final settlement of Anglo-Irish relations made once for all with no ulterior purpose. And as we intend to observe it in the spirit as well as in the letter so, of course, we look to Ireland to observe it. Without qualification I must say that absolute faith has been kept by the Government of the Irish Free State with us.

With regard to the Boundary question, our predecessors made every effort to bring about a settlement by agreement. We continued those efforts, but when the Government of the Free State on the 26th of April informed us that they saw no hope of further progress, we agreed to carry out the provisions of Article 12, as we were bound in law and honour to do.

Immediate steps were taken to find some person qualified and also willing to accept the appointment of Chairman. Our view has been that the person selected should, if possible, be some one with judicial experience, detached from the politics of both countries. I have to-day received a cable which enables me to say that we have secured a Chairman with these qualifications. I shall be in a position to announce his name to-morrow.

On the 29th April we informed the Government of Northern Ireland of the steps we were taking to appoint a Chairman and requested them to appoint their representative. On the 10th of May the Governor replied that his Ministers respectfully declined to appoint a representative. This refusal naturally created a situation which His Majesty's Government were bound to take into serious consideration.

It was a reply which made it necessary to consider what were the legal and constitutional powers which His Majesty's Government are bound to exercise. It must be held in mind that under Article 12 of the Treaty the boundary between the Irish Free State and Northern Ireland is to be such as is determined by the Commission. A question may therefore be subsequently raised in the Courts as to whether a valid award has been made involving the further question whether the Commission was legally constituted. His Majesty's Government have therefore decided to avail themselves of the power conferred on them by Section 4 of the Judicial Committee Act, 1833, to ask the Judicial Committee of the Privy Council to advise them as to their legal and constitutional powers to constitute the Commission. We are laying the correspondence on the Table up to this point and members will be able to see the terms of the reference to the Judicial Committee which are set forth in a despatch. I have, however, a word to add as to the constitution of the Judicial Committee. The Lord Chancellor is anxious to include on this tribunal distinguished judges from the Dominions. I am happy to inform the House that at his request the Chief Justice of Australia has consented to act, and will leave for London in the

course of the next few days. For these arrangements His Majesty's Government are deeply indebted to the helpfulness and courtesy of the Commonwealth Government. We are in hopes that a member of the Canadian Bench will also be available. There is thus every reason to believe that the Judicial Committee will be able to sit and resolve the legal and constitutional issues in July.

We have by no means abandoned hope that the two Irish Governments may reach an agreed settlement before the Commission is constituted, though even in that event the Commission will be necessary to give formal effect to the agreement. In these hopes we have all been encouraged by the conciliatory utterances of President Cosgrave and Sir James Craig. Last week my Rt. Hon. Friend the Secretary of State for the Colonies, whose unfortunate illness at this particular moment we all deplore, felt that we ought to invite them to discuss the matter together. My Rt. Hon. Friend the Home Secretary took the same view, and so at the instance of my colleagues I wrote to President Cosgrave and Sir James Craig inviting them to meet me on Saturday. At the meeting which took place I asked them to think over certain proposals which I have since submitted to them in the form of letters. I will now read to the House the letter which I have sent to President Cosgrave.

2nd June, 1924.

DEAR MR. PRESIDENT,

In the course of our conversation with Sir James Craig at Chequers on Saturday, the 31st May, I pointed out that His Majesty's Government, being bound to exercise all their powers under Article 12 of the Treaty with a view to constituting the Boundary Commission, were taking steps under Section 4 of the Judicial Committee Act, 1833, to ascertain the exact extent of those powers. In view of the constitutional importance of the questions to be referred to the Judicial Committee, it is proposed to include in the Tribunal eminent judges from the Dominions. The Government of the Commonwealth of Australia have, at the request of the Lord Chancellor, arranged for the Chief Justice of Australia to come to England for that purpose. We hope that a Canadian Judge will also be available. Every effort is being made by His Majesty's Government to secure within the next few weeks the services of a Chairman qualified to preside over the Boundary Commission. As the Chief Justice of Australia cannot reach London until July, some time must necessarily elapse before further formal steps can be taken. I am sure that the interval could profitably be employed, with the assistance of the proposed Chairman, in examining the general aspects of the problem and in seeing how far the desire for an agreed settlement expressed in your recent public utterances can in practice be fulfilled.

I intend therefore that the services of the person designated as Chairman should be available for this purpose. If, as I earnestly hope, progress can be made on these lines, the difficulties by which we are all at present confronted may well be brought within the compass of an amicable settlement.

President Cosgrave.

The letter to Sir James Craig was couched in identical terms. I have had a reply from him saying that he is "willing to assist in every way in his power the consummation of this the only statesmanlike solution of the problem." I have not yet received President Cosgrave's reply, but my Rt. Hon. Friend, the Secretary of State for the Colonies, has received a Despatch, evidently sent just before my letter could have been delivered, deprecating delay and expressing a hope that the early appointment of a Chairman will enable certain preliminaries to be put in hand. I cannot but feel, in view of these two communications, that we are in a position now to advance this vital matter one stage further. At any rate, of this I am sure, that the spirit shown in recent pronouncements by the Irish leaders, which I conceive still animates them, gives me ground to hope that Irish statesmanship will enable the solution to be reached.

No. 26.

The President of the Executive Council to the Prime Minister.

4th June, 1924.

The Right Hon. J. Ramsay Macdonald, M.P.,
Prime Minister,
10, Downing Street,
London.

DEAR MR. PRIME MINISTER,

1. I have given earnest consideration to your letter of yesterday,* in which you express the opinion that the interval which will elapse before you receive a report from the Judicial Committee of the Privy Council might profitably be employed, with the assistance of the Chairman of the Boundary Commission, in examining the general aspect of the problem with a view to seeing how far an agreed settlement is possible. I regret that I cannot accept this view for the reasons which I gave you on Saturday, namely, that such a course would be bound to afford opportunities for suggestions from one quarter or other of a departure from strict impartiality on his part, which would be a source of serious embarrassment in the judicial task which he is to undertake.

2. The gravest apprehension is felt in Ireland regarding the manner in which Clause 12 of the Treaty has been canvassed.

* No. 23.

Since February last it would appear as if the terms of the Clause, viz., the wishes of the inhabitants, were to be subordinated to whims of persons in positions of authority and power. Further examination and approaches towards possible agreement in these circumstances would, of necessity, imply that the rights guaranteed by this Article are in jeopardy, and I have never had any authority to agree to any abrogation of the rights of the inhabitants as defined in the Article.

3. You mentioned in the course of the discussion on Saturday last that you were in a position to show me your signature appointing the Chairman. I must say that in the opinion of my Government—with which I concur—the appointment should be immediately announced. There is a large amount of preliminary work to be done which could be undertaken forthwith. It is evident that a census of the wishes of the inhabitants must be taken before the Commission can settle down to consider the problems which they will finally have to determine. This is purely a matter of machinery for the ascertaining of facts and statistics, so that they may be available for the Commission to work upon. The collection of this information is, in the opinion of my Government, a duty which should be undertaken at once by the Chairman in conjunction with our representative, and we have addressed an official despatch to Mr. Thomas on these lines.

4. I cannot conclude without urging upon you most earnestly that the delay which has occurred in the setting up of the Commission is causing very grave anxiety and unrest in this country. I realise that you desire to obtain the best legal advice possible as to the steps His Majesty's Government must take to implement Clause 12, and I understand that the reference to a Judicial Committee on which it is proposed to have the Chief Justice of Australia as a member must entail delay, but it will be represented here publicly and otherwise, and will obtain some measure of credence, that the British Government must have known all along that Sir James Craig would decline to appoint his representative, and that the reference to the Judicial Committee is a device to cause further delay, and if possible to shelve the whole matter.

5. This is the type of criticism which is most pronounced here, and it is strengthened by the daily references to conferences and solutions in which it is implied that the wishes of the inhabitants are to be ignored. The situation is fast becoming critical, and I shall find it necessary in the very near future to give a day for discussion in the Dáil of the whole problem. I am very much concerned at the prospect of such a discussion and its possible outcome, unless some definite progress towards the operation of the Commission can be shown. Mr. Thomas wrote me on the 10th April that all the necessary steps had been worked out in advance. The position now is that delay follows delay, and if we point to the assurances which we have received we will be countered by an inquiry as to what tangible evidence

of progress we can show. The immediate appointment of the Chairman and the starting of the work on the preliminaries would make matters much less difficult and would be regarded by our people as practical evidence that Article 12 is being fully carried out.

Sincerely yours,

(Sgd.) L. T. MACCOSAIR.

No. 27.

The Prime Minister to the President of the Executive Council.

10, DOWNING STREET,
WHITEHALL, S.W.1,

DEAR MR. PRESIDENT,

6th June, 1924.

May I thank you for your prompt reply to my letter of the 3rd instant? A communication from the Secretary of State informing you of the Chairman's appointment has crossed your letter, and I am glad to feel that this will make matters less difficult so far as you are concerned. Personally, it was a great relief to me when a point was reached at which it was possible to make a full announcement to Parliament, and I am sure you are right in thinking that the Dáil should have an opportunity of discussing the matter as soon as possible. For without such discussions the public cannot well grasp the practical difficulties with which Governments have to deal. Your despatch requesting the completion of the constitution of the Boundary Commission was dated the 26th April, and the appointment of the British representative was announced on the 4th June. We had made up our minds to appoint a Chairman from one of the Dominions for reasons with which you, I am sure, agree. It was only possible to approach one Dominion and one person at a time, and we are fortunate in having been able to announce our appointment within six weeks. A debate in the Dáil will enable considerations of this kind to be explained to the public.

Mr. Thomas was quite correct in saying that the necessary steps had been worked out in advance in his own Department. The steps included proposals for dealing with the known contingency that the Government of Northern Ireland might refuse to appoint their representative. But we should get into difficulties if we try to deal with contingencies before they have actually arisen. A formal request to appoint their representative was addressed to the Government of Northern Ireland on the 29th April. Their refusal was dated Saturday, the 10th May. The matter then became one for consideration by the Cabinet, and its decisions could not have been reached so rapidly as they were reached if it had not been for the careful survey of the ground made long before by the legal advisers of the Govern-

ment. The Despatch conveying our decisions was dated the 23rd May. The papers we are both publishing to-day will enable the Dáil to appreciate the significance of these dates.

It is no less necessary that the public should understand the importance of securing that the Commission is legally appointed. We are dealing with the terms of a Statute. As executive Governments, our opinions as to whether the Commission is constituted when two members are appointed are of no legal value. We must ascertain the law, and we are losing no time having resort to the tribunal designated for the purpose by our Constitution. If the Judicial Committee should find that the appointments of the Free State and British representatives alone suffice to constitute the Commission, we on our side will have no hesitation in acting on that finding.

In these circumstances I feel that your proposal scarcely differs in principle from my own except that under my proposal Sir James Craig, as I judge from the letter he has sent me, would be willing that someone from his side should join in the preliminary studies which are just as necessary for an agreed settlement as for an award by the Commission. I do not clearly see the distinction between the enquiries which you think the Chairman should make with Mr. MacNeill and the kind of exploration which I suggested at our interview.

Would not the objection you mention really apply equally strongly to both our proposals? The Chairman will surely, having regard to his judicial training, safeguard himself while acting as a mediator against the danger of prejudicing his opinion if in the end he is called upon to make an award in a judicial capacity. In any case, he will have to inform himself as to the scope and character of the problem, and I should have thought that there was a good deal of preliminary work he could do. Surely the right course is to place all these considerations before him when he arrives, so that he may form his own judgment.

With the apprehensions to which you refer in the second paragraph of your letter I find it difficult to deal, but I cannot recall any single utterance either by myself or any of my colleagues which would justify them. We cannot control irresponsible utterances in the Press or on platforms. I am sure that neither you, Sir James Craig nor I would like to be held responsible for everything printed in our respective areas. But, none the less, this aspect of the matter to which you refer is one which I view with the gravest concern. The Treaty is but the dry bones of a settlement. In the last two years you have clothed it with flesh, but we have yet to breathe into its frame the living spirit of reconciliation. The feeling grows upon me that this we shall only do by remembering that there are interests wider than those which preoccupy our minds in these two Islands. I want to enlist you, your Government and all Ireland, including the North, in the cause of bringing back peace to the world. Unless or until we can show that we ourselves know how to keep the

law and to create friendship between ourselves in these Islands, we can do little or nothing severally or jointly to bring back the verities of peace either to Europe or the world at large. I ask you to tell the Dáil and, through them, the people that they represent that if Irishmen can lay the foundations of a true and lasting peace not only amongst themselves, but with us, they will be rendering Europe in this distracted juncture of its history a service which future generations will not forget. I will ask Sir James Craig to give a similar message to his own Parliament. I think that when the Dáil discusses this matter it should have the full correspondence before it. I would therefore suggest that the Despatches and letters subsequent to those just published should be printed as soon as possible after Whitsuntide.

I hope you got home on Sunday not too weary after your long journey.

I am,

Yours very sincerely,

J. RAMSAY MACDONALD.

President Cosgrave.

No. 28.

*The Secretary of State for the Colonies to the Governor-General
of the Irish Free State.*

DOWNING STREET,

6 June, 1924.

SIR,

With reference to my Despatch* of the 4th June, I have the honour to transmit to Your Excellency, for the information of your Ministers, the text of a statement made in the House of Commons yesterday by the Prime Minister, announcing that Mr. Justice Feetham has been selected by His Majesty's Government to be their representative on the Boundary Commission.

I have the honour to be,

Sir,

Your most obedient humble servant,

J. H. THOMAS.

Governor-General

His Excellency T. M. Healy, Esq., K.C.,

etc.,

etc.,

etc.

Enclosure to No. 28.

The PRIME MINISTER (Mr. J. Ramsay MacDonald) : With the full approval of the Government of the Union of South Africa, His Majesty's Government have asked Mr. Justice Feetham, a member of the South African Supreme Court, to undertake this duty. I am very glad to be able to inform the House that Mr. Justice Feetham has accepted the appointment, and will leave South Africa for this country next week.

Perhaps I may be permitted to remind the House that Mr. Justice Feetham has already rendered valuable public services in connection with Indian reforms. Mr. Montagu availed himself of his advice on constitutional questions in the discussions and investigations preliminary to the drafting of the Government of India Bill of 1919. He served with distinction as Chairman of the important Committee then appointed by the Secretary of State for India to inquire into questions connected with the division of functions in India between the Central and Provincial Governments, and in the Provincial Governments in that country between the Executive Council and Ministers, a question the complexity and importance of which it would be difficult to overstate. Consequent on the Report of this Committee, Mr. Feetham gave evidence before the Joint Select Committee of both Houses which sat in the course of 1919 to consider the constitutional reforms proposed in India.

 No. 29.

The Secretary of State for the Colonies to the Governor-General of the Irish Free State.

DOWNING STREET,
12th June, 1924.

SIR,

The matters raised in your Excellency's despatch of the 3rd June* on the subject of the Boundary Commission have in part been dealt with by my replies of June 4th† and June 6th‡. I avail myself of this opportunity of assuring your Ministers that when I signed the despatch of the 10th April§ all the contingencies which have since arisen had been carefully thought out. It will be evident from the dates of the various despatches recently published (Cmd. 2155) that no avoidable delay ensued, considering the gravity of the decisions which His Majesty's Government had to take. I note, moreover, that your Ministers do not desire to be parties to the reference to the Judicial Committee or wish to commit themselves to agreement with its findings.

* No. 24.

† No. 25.

‡ No. 28.

§ No. 14.

2. In regard to the proposal that the preliminary task of ascertaining the wishes of the population should be put in hand before the Judicial Committee of the Privy Council has tendered its advice, your Ministers will no doubt agree that no decision can properly be taken upon this point until it has been considered by the Chairman designate of the Commission. Mr. Justice Feetham is expected to reach England from South Africa at the end of June, and it is the intention of His Majesty's Government to bring your Ministers' proposal to his notice immediately upon his arrival in this country.

I have the honour to be,

Sir,

Your most obedient humble servant,

(Signed) J. H. THOMAS.

Governor-General,

His Excellency

T. M. Healy, Esq., K.C.,

etc., etc., etc.

No. 30.

The President of the Executive Council to the Prime Minister.

17th June, 1924.

The Right Hon. J. Ramsay Macdonald, M.P.,

Prime Minister,

10, Downing Street,

London.

DEAR MR. PRIME MINISTER,

1. A debate upon the Boundary Question which began on Friday is being resumed on Wednesday next, and I shall take the opportunity on that day to lay before the Dáil the text of the later correspondence between us on this subject.

2. There are a few points arising out of your letter of the 6th instant* which perhaps call for some observations from me. The most important is your view that there is scarcely any difference in principle between our proposal that the Chairman and Dr. Eoin MacNeill should proceed with the preliminary work of ascertaining the wishes of the inhabitants, and your suggestion that the Chairman with Dr. MacNeill and a representative from Sir James Craig should join in preliminary studies with a view to an agreed settlement being arrived at.

* No. 27.

3. The major difference is that our proposal involves merely a question of setting up the necessary machinery for ascertaining facts and raises no point of policy. The other proposal postulates explorations for agreement which the principals have already failed, after repeated conferences, to reach. If agreement can be reached, it must be reached, not upon the basis of my views, or of Sir James Craig's views, but upon the basis laid down in Article 12 of respect for the wishes of the inhabitants of the area affected and for the economic and geographic conditions.

4. The possibility of agreement depends, therefore, upon considerations which have to be ascertained, and our proposal is that the work of ascertaining these considerations should be embarked upon at once. This work Dr. MacNeill is ready to operate in at a moment's notice.

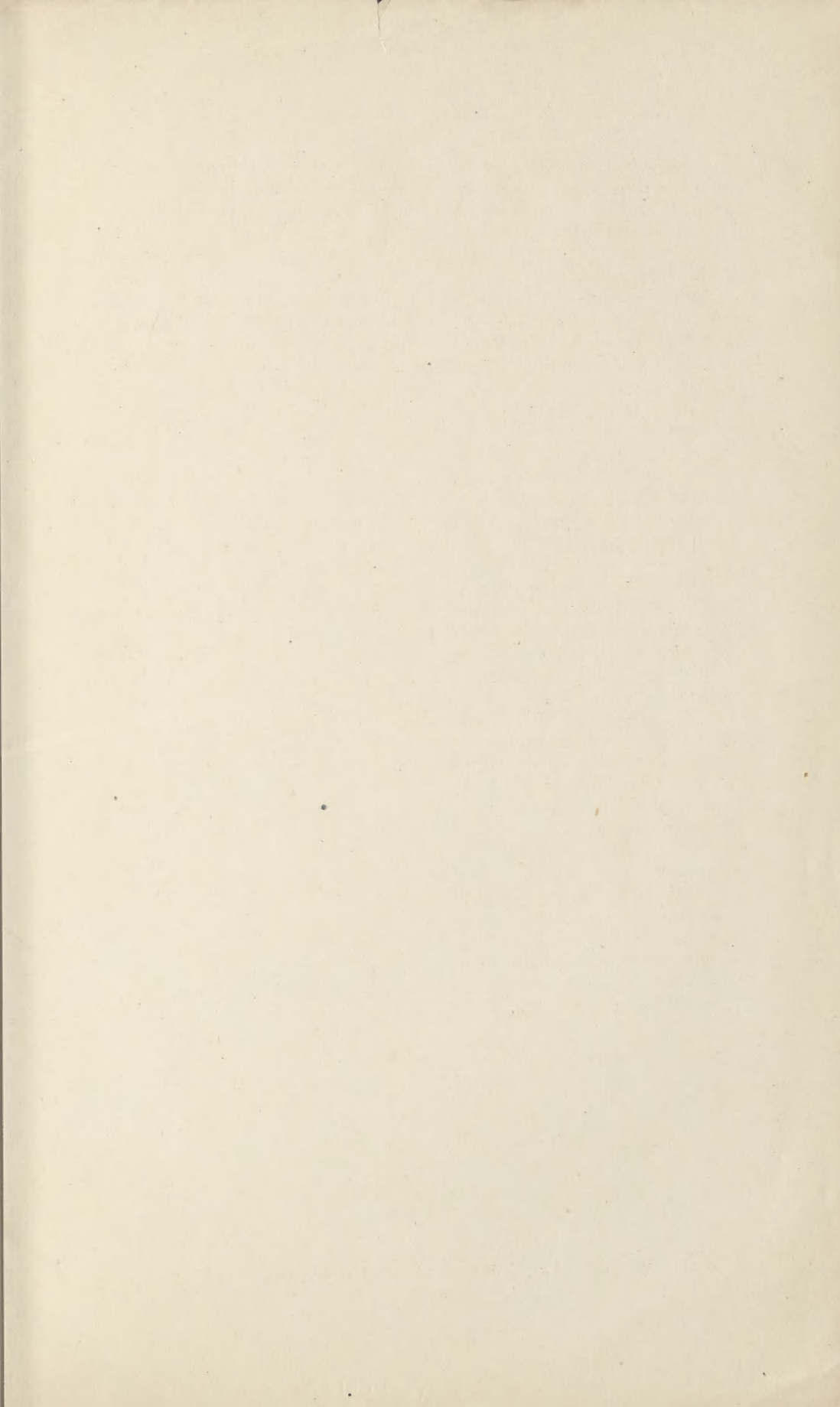
5. As far as we are concerned, we will cordially co-operate in any action which will make for friendship between ourselves in these islands, but we are satisfied that any departure from the elementary democratic principle enshrined in Article 12 would not tend in that direction. We feel that it is essential for the maintenance of harmony between nations that the wishes of the inhabitants should be a primary consideration in any system of government, and we are prepared to translate this view into practice to secure not alone a spirit of brotherhood amongst ourselves, but, so far as it can be accomplished, amongst the whole human race.

6. This is the spirit in which I addressed the Assembly of the League of Nations last September.

7. I cannot conclude without assuring you that I appreciate fully His Majesty's Government's desire to have the highest available opinion as to their course of procedure, under their Statutes, for giving effect to Treaty obligations entered into by them, and I also appreciate that the delay which is caused thereby may be to a certain extent inevitable. At the same time, I would urge upon His Majesty's Government that it is in the interests of all parties concerned that existing sources of possible irritation be removed at once, and accordingly that every effort should be made to have all outstanding matters in regard to the setting up of the Boundary Commission composed at the earliest possible date.

Sincerely yours,

(Sgd.) L. T. MACCOSGATR.



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